

REMARKS

Claims 1-5 and 7-34 are pending in the present application. Favorable reconsideration and allowance of the application as amended in view of the following remarks are respectfully requested.

Claim Rejections – 35 U.S.C. § 103 Ueno in View of Teder

Claims 1, 5, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by US 6,671,269, Ueno in view of (US005544156A), Teder. Applicants respectfully traverse this art grounds of rejection.

Fig. 1 of the present application shows necessarily only the first cycle in which the same control information is transmitted parallel to the corresponding plurality of data subpackets. Fig. 13A of Ueno shows the control information “CS” being transmitted over two cycles. Each “CS” is intended to correspond to all of the data packets in its respective cycle. The Examiner asserts that this control information “CS” is repeated from one cycle to the next. However, if the “CS” control block is indeed the same from cycle to cycle as the Examiner suggests, then the example disclosed in Fig. 13 of Ueno would not work. The **control blocks** are necessarily **different** from cycle to cycle in Ueno’s disclosure as the **data** corresponding to each control block from cycle to cycle is **different**. The data packets are divided into more time efficient portions and are distributed between different cycles in order to conserve time slots. The corresponding control blocks contain slot permission areas which hold information pertaining to the contents of the time slots. Repeating the same control information in Ueno’s invention would in fact destroy the intended functionality of the system as it would not allow for

the efficient allocation of data into multiple time slots of different transmission cycles as the reference teaches.

Furthermore, Fig. 13A of Ueno indicates multiple packets being repeatedly transmitted over multiple cycles. Applicants submit that the packets of 13A are not products of “dividing at least a portion of the data packet into a first plurality of different data sub-packets” as cited in claim 1.

Applicants assert that a combination of Ueno in view of Teder would result in a transmission of a data channel with a parallel control channel which transmits a single control block at the beginning of a given cycle. Applicants contend that the claimed invention is not an obvious combination of Ueno in view of Teder since Ueno teaches away from repeating control information as shown in Fig. 13 as stated above. Both Ueno and Teder are deficient in teaching or suggesting any motivation to transmit “the same first control information associated with the first plurality of different data sub-packets repeatedly over a plurality of time slots of a control channel” as cited in claim 1 such that it would be obvious to one skilled in the art to derive the claimed invention.

Further, Applicant submits that claims 2-5, and 7-22 dependent on claim 1, are patentable at least for the reasons stated above with respect to claim 1.

Independent claim 23 includes similar limitations to those discussed above with respect to claim 1. Therefore, claim 23 is patentable at least for the reasons stated above with respect to claim 1.

Claims 24-33, dependent on claim 23, are patentable at least for the reasons stated above with respect to claim 23.

Claim Rejections – 35 U.S.C. § 103 Ueno in View of APA

The Examiner rejects claims 1 and 23 under 35 U.S.C. §103(a) as being unpatentable over Ueno and APA. This rejection is respectfully traversed in that even assuming *arguendo* APA could be combined with Ueno (which Applicants do not admit), the combination of Ueno and APA still suffers from the same deficiencies as the combination of Ueno with Teder with respect to claims 1 and 23. For at least these reasons, the rejection should be withdrawn.

Claim Rejections – 35 U.S.C. § 103 Ueno in View of Haartsen

The Examiner rejects claims 1 and 23 under 35 U.S.C. §103(a) as being unpatentable over Ueno and Haartsen. This rejection is respectfully traversed in that even assuming *arguendo* Haartsen could be combined with Ueno (which Applicants do not admit), the combination of Ueno and Haartsen still suffers from the same deficiencies as the combination of Ueno with Teder with respect to claims 1 and 23. For at least these reasons, the rejection should be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/MAH:aeh